

REMARKS/ARGUMENTS

Applicants argue that the relationship between Claims 20-24 and Claims 25-29 is not a species relationship, but is a combination-subcombination relationship under M.P.E.P. § 806.05(h) in which Claims 20-24 are the subcombination and Claims 25-29 are the combination. In order to establish distinctness between the claims in a combination-subcombination relationship, two-way distinctness must be demonstrated. Since two-way distinctness has not been demonstrated between Claims 20-24 and Claims 25-29, it is submitted that the Patent and Trademark Office has failed to meet the burden necessary in order to sustain the election requirement.

Further, if no prior art is found over which the claims of specie II, Claims 25-29, may be rejected, it is requested that the Examiner extend the search to the non-elected specie I.

Accordingly, for the reasons presented above, it is submitted that the Patent and Trademark Office has failed to meet the burden necessary to sustain the Election of Species Requirement. Withdrawal of the Election of Species Requirement is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.
Norman F. Oblon

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)



Roland E. Martin
Registration No. 48,082

NFO:REM\la